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AN ACT

TO INCORPORATE

MEDICAL SOCIETIES,

FOR THE PURPOSE OF REGULATING

THE PRACTICE OF PHYSIC AND SURGERY

IN THIS STATE.

PASSED APRIL 10, 1813.

TOGETHER WITH THE

B Y - L A W S

OF THE

MEDICAL SOCIETY

OF THE COUNTY OF NEW-YORK.

INCORPORATED, JULY 1, 1806.

PUBLISHED BY ORDER OF THE SOCIETY.

NEW-YORK:

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178 GREENWICH-STREET.

1813.



AN ACT
TO INCORPORATE MEDICAL SOCIETIES,
For the purpose of regulating the practice of Physic and
Surgery in this State. Passed April 10, 1813.

WHEREAS well regulated medical societies have been found to contribute to the diffusion of true science, and particularly the knowledge of the healing art—Therefore,

1. *Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the physicians and surgeons in the several counties of this state, now authorised by law to practise in their several professions, except in those counties wherein medical societies have been already incorporated, to meet together on the first Tuesday of July next, at the place where the last term of the court of common pleas next previous to such meeting was held in their respective counties; and the several physicians and surgeons so convened as aforesaid, or any part of them, being not less than five in number, shall proceed to the choice of a President, Vice-President,*

Secretary, and Treasurer, who shall hold their offices for one year, and until others shall be chosen in their places ; and whenever the said societies shall be so organised as aforesaid, they are hereby declared to be bodies corporate and politic, in fact and in name, by the names of the Medical Society of the county where such societies shall respectively be formed ; and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever ; and shall and may have a common seal, and may alter and renew the same at their pleasure : *Provided always,* That if the said physicians and surgeons shall not meet and organise themselves at such time and place as aforesaid, it shall be lawful for them to meet at such other time as a majority of them shall think proper, and their proceedings shall be as valid as if such meeting had been at the time before specified.

2. *And be it further enacted,* That the medical societies of counties already incorporated, shall continue to be bodies corporate and politic, in fact and in name, by the names of the Medical Society of the county where such societies have respectively been formed, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever ; and shall and may have a common seal, and may alter

and renew the same at their pleasure ; and the President, Vice-President, Secretary, and Treasurer, of such incorporated societies, shall hold their offices for one year, and until others shall be chosen in their places.

3. *And be it further enacted*, That the medical society already incorporated, by the style and name of the “Medical Society of the State of New-York,” shall continue to be a body politic and corporate, in fact and in name, and by that name shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all matters and causes whatsoever ; and shall and may have and use a common seal, and may change and alter the same at their pleasure : and that the said society shall be composed of one member from each of the county societies in the state, elected by ballot at their annual meeting, who shall meet together at the time and place appointed by the said society for that purpose ; and being met, not less than fifteen in number, may annually elect by ballot a President, Vice-President, Secretary, and Treasurer, who shall hold their offices for one year, and until others shall be chosen in their place.

4. *And be it further enacted*, That the medical society of the state of New-York, and also the medical societies of the respective counties, shall and may agree upon and determine the times and places of their meeting ; and the time so agreed upon, shall forever thereafter

ter, be the anniversary day of holding their respective meetings ; and it is hereby made the duty of the Secretary of each of the county medical societies, to lodge in the office of the clerk of their respective counties, if not already done, a copy of all the proceedings had at their first meeting ; and it shall also be the duty of the Secretary of the medical society of the state of New-York, in like manner, to lodge in the office of the Secretary of this state, a copy of their proceedings, had at their first general meeting ; and the said Clerks and Secretary are hereby required to file the same in their respective offices, for which they shall each receive the sum of twelve and an half cents.

5. *And be it further enacted*, That the members now composing the medical society of the state of New-York, from each of the four great districts, shall remain divided into four classes ; and one class from each of said districts, shall go out of office annually.

6. *And be it further enacted*, That it shall be the duty of the Secretary of the medical society of the state of New-York, whenever the seats of any of the members shall become vacant, to give information of the same to the respective county societies, to the end that such county societies may supply such vacancy at their next meeting.

7. *And be it further enacted*, That in case there shall be an addition to the number of members composing the

medical society of the state, that in that case it shall be in the power of the said society, at any of their annual meetings, and as often as they shall judge necessary, to alter and vary the classes in such manner, as that one fourth of the members from each of the great districts, as near as may be, shall annually go out of office.

8. *And be it further enacted*, That if the seat of any member of the medical society of the state of New-York shall be vacated, either by death, resignation, or removal from the county, it shall be the duty of the medical society of such county, to fill such vacancy at their next meeting after such vacancy shall happen:

9. *And be it further enacted*, That the medical societies established as aforesaid, are hereby respectively empowered to examine all students who shall and may present themselves for that purpose, and to give diplomas under the hand of the President and seal of such society, before whom such students shall be examined; which diploma shall be sufficient to empower the person so obtaining the same, to practise physic or surgery, or both, as shall be set forth in the said diploma, in any part of this state.

10. *And be it further enacted*, That if any student who shall have presented himself for examination before any of the medical societies of the several counties of this state, shall think himself aggrieved by the decision of such society, it shall be lawful for such student to pre-

sent himself for examination to the medical society of the state of New-York ; and if in the opinion of such society, the student so applying is well qualified for the practice of physic or surgery, or both, as the case may be, the President of said society shall, under his hand and the seal of such society, give to the said applicant a diploma agreeable to such decision.

11. *And be it further enacted,* That it shall and may be lawful for the several medical societies so established as aforesaid, at their annual meetings, to appoint not less than three, nor more than five, Censors, to continue in office for one year, and until others are chosen, whose duty it shall be carefully and impartially to examine all students who shall present themselves for that purpose, and report their opinion in writing, to the President of said society.

12. *And be it further enacted,* That no person shall commence the practice of physic or surgery within any of the counties of this state, until he shall have passed an examination, and received a diploma from one of the medical societies to be established as aforesaid ; and if any person shall so practise without having obtained a diploma for that purpose, he shall forever thereafter be disqualified from collecting any debt or debts incurred by such practice in any court of this state.

13. *And be it further enacted,* That it shall and may be lawful for the medical societies of the respective

counties in this state, and also the medical society of the state of New-York, to purchase and hold any estate, real and personal, for the use of said respective societies: *Provided*, such estate, as well real as personal, which the county societies are hereby respectively authorised to hold, shall not exceed the sum of one thousand dollars; and that the estate, as well real as personal, which the medical society of the state of New-York is hereby authorised to hold, shall not exceed five thousand dollars.

14. *And be it further enacted*, That it shall be lawful for the respective societies to make such bye-laws and regulations relative to the affairs, concerns, and property of said societies; relative to the admission and expulsion of members; relative to such donations or contributions as they, or a majority of the members, at their annual meeting, shall think fit and proper: *Provided*, That such bye-laws, rules, and regulations, made by the society of the state of New-York, be not contrary to, nor inconsistent with, the constitution and laws of this State, or of the United States; and that the bye-laws, rules, and regulations, of the respective county societies, shall not be repugnant to the bye-laws, rules, and regulations, of the medical society of the state of New-York, nor contrary to, or inconsistent with, the constitution and laws of this State, or of the United States.

15. *And be it further enacted*, That the Treasurer of each society established as aforesaid, shall receive and

be accountable for all monies that shall come into his hands by virtue of any of the bye-laws of such societies, and also for all monies that shall come into the hands of the President thereof, for the admission of members, or licensing students ; which monies the said President is hereby required to pay over to the said Treasurer, who shall account therefor to the society, at their annual meetings ; and no monies shall be drawn from the Treasurer, unless such sums, and for such purposes as shall be agreed upon by a majority of the society, at their annual meeting, and by a warrant for that purpose, signed by the President.

16. *And be it further enacted,* That it shall be the duty of the Secretary of each of the said medical societies to provide a book, in which he shall make an entry of all the resolutions and proceedings which may be had from time to time, and also the name of each and every member of said society, and the time of his admission, and also the annual reports relative to the state of the treasury, and all such other things as a majority of the society shall think proper ; to which book, any member of the society may, at any time, have recourse ; and the same, together with all books, papers, and records, which may be in the hands of the Secretary, and be the property of the society, shall be delivered to his successor in office.

17. *And be it further enacted,* That it shall be lawful for each of the said medical societies to cause to be rais-

ed and collected from each of the members of such society, a sum not exceeding three dollars in any one year, for the purpose of procuring a medical library, and apparatus, and for the encouragement of useful discoveries in chemistry, botany, and such other improvements as the majority of the society shall think proper.

18. *And be it further enacted*, That any student who may receive a diploma from the medical society of this state, shall pay to the President thereof, on receiving the same, ten dollars ; and for each diploma that a student may receive from the medical society of any county, he shall pay to the President thereof, on receiving the same, five dollars : *Provided*, That the students who have been examined previous to the twenty-sixth day of May, one thousand eight hundred and twelve, and were entitled to receive diplomas, but who have not received the same, shall not pay therefor more than two dollars.

19. *And be it further enacted*, That the medical society of this state may elect, by ballot, at their annual meetings, eminent and respectable physicians and surgeons, residing in any part of this state ; which persons so elected, shall be permanent members of the society, and entitled to all the privileges of the same : *Provided*, That not more than two such members shall be elected in any one year, and that they receive no compensation for their attendance from the funds of the society.

20. *And be it further enacted,* That any person who shall practise physic or surgery, without being regularly licensed, shall forfeit and pay twenty-five dollars for each offence, of which he may be duly convicted, to be recovered with costs of suit, before any Justice of the Peace of the county where such penalty shall be incurred; by any person who will prosecute for the same; and the Justice, before whom such conviction may be had, shall pay the same to the overseers of the poor of such town where such conviction shall be had, for the use of the poor thereof, whose duty it shall be to prosecute for the same: *Provided,* The person so practising without license, who shall not receive any fee or reward for the same, shall be exempt from the penalty of this act: *And provided also,* That nothing in this act contained, shall be construed to extend to debar any person from using or applying for the benefit of any sick person, any roots, barks, or herbs, the growth or produce of the United States.

21. *And be it further enacted,* That all persons who may be hereafter licensed to practise physic and surgery, shall deposit a copy of such license with the Clerk of the county in which such practitioner may reside; and until such license shall be so deposited, those practitioners who may neglect the same, shall be liable to the penalty of this act, in the same manner as if they had no such license; and it shall be the duty of the Clerk to file such license in his office, for each of which he shall receive

twelve and an half cents and no more, from the practitioner who may deposit the same.

22. *And be it further enacted,* That nothing in this act contained, shall be construed to prevent any person coming from any other state or country from practising physic or surgery within this state, such person being duly authorised to practise by the laws of such state or country, having a diploma from a regular medical society: *Provided, however,* That none of the societies, established as aforesaid, shall proceed to the examination of any student, in order to license him for the practice, until such student shall have produced satisfactory testimony that he has regularly studied physic or surgery, or both, as the case may be, with one or more reputable practitioner or practitioners, for the term of three years.

23. *And be it further enacted,* That it shall be in the power of the legislature to alter, modify, or repeal this act, whenever they shall deem it necessary or expedient.

24. *And be it further enacted,* That if there should not be a sufficient number of physicians and surgeons in any of the counties of this state, to form themselves into a medical society, agreeably to this act, it shall be lawful for such physicians and surgeons to associate with the physicians and surgeons of an adjoining county, for the purposes hereby contemplated,

25. *And be it further enacted, That this act shall be,
and hereby is declared to be a public act.*

(A TRUE COPY.)

*Compared with the original in the office
of the Secretary of this State, this
25th June, 1813.*

JAS. VAN INGEN.

BY-LAWS
OF THE
MEDICAL SOCIETY
OF THE
COUNTY OF NEW-YORK.

REVISED AND ADOPTED, JULY 6, 1813.

OFFICERS

ELECTED JULY 5, 1813.

Dr. William Moore, *President.*
Dr. Wright Post, *Vice-President.*
Dr. John Onderdonk, *Treasurer.*
Dr. Henry U. Onderdonk, *Secretary.*

Dr. Thomas Cock,
Dr. Valentine Mott,
Dr. John Neilson,
Dr. James S. Stringham,
Dr. Samuel Osborn, } *Censors.*

Delegate to the State Society.

Dr. John R. B. Rodgers.

BY-LAWS
OF THE
MEDICAL SOCIETY
OF THE COUNTY OF NEW-YORK.

CHAPTER I.

Of the Meetings of the Society.

Section 1. **T**HE anniversary meeting of this society shall be held on the first Monday in July in every year ; and the quarterly meetings shall be on the first Monday in October, January, and April. But when on either of these days shall be celebrated the anniversary of the independence, or new-year, the Secretary and one other member shall attend and adjourn the meeting till the day following.

Sect. 2. Extraordinary meetings of this society may be called by the President, or in his absence by the Vice-President, at a request in writing signed by fifteen members ; which meeting shall be previously advertised for at least ten days, by the Secretary, in two newspapers published in the city of New-York.

Sect. 3. The society may adjourn from day to day, after their anniversary, quarterly, or extraordinary meetings.

Sect. 4. Fifteen members shall be a quorum to constitute the society at their stated or extraordinary meetings, and may then proceed to business.

Sect. 5. In the absence of the President, Vice-President, Censors, and Treasurer, the senior member on the roll shall preside.

Sect. 6. Every member shall observe proper order and decorum in the society, shall pay proper respect to the President and other officers, as well as to his fellow-members; nor shall any member withdraw, when the society has been constituted, without special permission from the chair.

CHAPTER II.

Order of Business.

Section 1. At every stated and extraordinary meeting of the society, after the presiding officer shall have declared the society constituted,

The roll shall be called,

The minutes of the last meeting shall be read,

The examination of candidates for license (if any be recommended by the Comitia Minora) shall be held,

The motions and other unfinished business from the last meeting shall be concluded.

Miscellaneous business,

Society adjourned.

Sect. 2. At each anniversary meeting immediately after the examination of the candidates, if any be recommended,

The election for officers shall be held,

Accounts against the society shall be read and acted upon,

Amendments to the by-laws may be considered, and decided.

All other business transacted which is required to be done at the anniversary meeting,

Ordinary business.

CHAPTER III.

Duties of the President.

Section 1. It shall be the duty of the President to preside at all meetings of the society, and to preserve order and decorum in the same.

Sect. 2. The President shall perform all the duties prescribed to him by law, the by-laws, and resolutions of the society.

Sect. 3. The President shall nominate and appoint all committees for transacting the business of the society, unless otherwise appointed by special resolution.

Sect. 4. He shall take the sense of the society on every motion made and seconded. He shall also have a casting vote in all transactions where the votes of the society are equally divided.

CHAPTER IV.

Duties of the Vice-President.

The Vice-President, in the absence of the President, shall preside and perform all the duties of the President,

CHAPTER V.

Duties of the Censors.

Section 1. The Censors shall perform all the duties prescribed to them by law, the by-laws, and resolutions of the society.

Sect. 2. In the absence of the President and Vice-President, the senior Censor present shall preside at the meetings of the society.

Sect. 3. The seniority of the Censors shall be determined by the number of votes given for each at the time of their election to office.

CHAPTER VI.

Duties of the Treasurer.

The Treasurer shall perform all the duties of his office, as directed by law, the by-laws, and resolutions of the society.

CHAPTER VII.

Duties of the Secretary.

The Secretary shall perform all the duties of his office, as directed by law, the by-laws, and resolutions of the society.

CHAPTER VIII.

Duties of the Delegate.

Section 1. The Delegate shall perform all the duties prescribed by law.

Sect. 2. He shall support the honour and dignity of this society.

Sect. 3. He shall obey all orders and resolutions of this society, which may be proper and consistent with his appointment.

CHAPTER IX.

Of the Comitia Minora.

Section 1. The President, and other officers of the society, shall constitute a Comitia Minora, to meet on the Wednesday preceeding each quarterly or anniversary meeting.

Sect. 2. The President may call an extraordinary meeting of the Comitia Minora, whenever he shall deem it necessary.

Sect. 3. The President or Vice-President, together with three Censors, may constitute the Comitia Minora,

Sect. 4. The journal of the proceedings of the Comitia Minora shall be kept by the Secretary of this society, and read before the society at each anniversary meeting.

Sect. 5. The Comitia Minora may make rules and regulations for themselves, not inconsistent with the charter and by-laws of this corporation.

CHAPTER X.

Of Ordinary Members.

Section 1. The ordinary members shall consist only of physicians and surgeons, as stated in the law for incorporating this society.

Sect. 2. It is considered the duty of every member of this society to support the honour and dignity of the medical profession, and to execute the duties of it with justice and propriety.

Sect. 3. If upon a report presented by six physicians or surgeons, members of this society, it shall appear, that any member has engaged in any business derogatory to the profession, or has been convicted of any crime in a court of justice, he shall *ipso facto* be expelled.

CHAPTER XI.

Admission of new Members.

Section 1. No physician or surgeon can be admitted a member of this society, unless he has attained the age of twenty-two years.

Sect. 2. No person shall become a candidate for a seat as member of this society, until he shall have resided twelve months in this county, (or in any adjoining county where no incorporated medical society exists,) and shall have complied with all the requisites constituting him a legal practitioner.

Sect. 3. Any member may propose a candidate for a seat as member of this society, but the documents and testimonials relative to all the qualifications of such candidate shall be placed in the hands of one of the Censors, who shall report thereon in writing, at the next meeting, previous to the candidate's being ballotted for.

Sect. 4. Every candidate shall be proposed at one stated meeting, and balloted for at the next ; and if he shall have a majority of votes of the members present at such stated meeting, he shall become a member of the society.

Sect. 5. Every member thus admitted, shall sign the by-laws of this society, and shall designate, in Latin or English, the county, state, or country of his birth, and the medical rank or station now or formerly held by him.

Sect. 6. Every member admitted into this society, shall, on signing the by-laws, pay to the Treasurer ten dollars, to be appropriated to the use of this society, and shall be presented with a copy of the charter and by-laws.

Sect. 7. The names of all persons who have been admitted or elected, and who have refused or neglected to sign the by-laws, shall be reported in writing to the President by the Secretary; which report shall be laid before the society at each anniversary meeting, and shall be read.

Sect. 8. Each person named in such report, shall be notified thereof by the Secretary within one month thereafter; and every person thus notified, who shall neglect or refuse to sign the by-laws before the next anniversary meeting, shall be considered as no longer connected with this society, and shall be divested of all privileges, rights, and immunities appertaining to a member thereof.

CHAPTER XII.

Of Contributions, Fines, and Arrears.

Section 1. The society, at its anniversary meeting, may establish the amount of contribution, which each member shall pay to meet its contingent expenses.

Sect. 2. Every member who is not present to answer to his name at the calling of the roll, shall be fined fifty cents.

Sect. 3. All members above sixty years of age shall be exempt from fines.

Sect. 4. In case of any pestilential disease prevailing in the city of New-York, no member shall be obliged to attend any stated or extraordinary meeting of this society.

Sect. 5. All fines that may have become due from any member during the period he may have resided in another place, and all fines due from the estates of deceased members, shall be remitted.

Sect. 6. Every member entitled to a certificate or diploma of membership, shall produce a written declaration from the Treasurer, that all his arrears are discharged, before the President or Secretary be authorised to sign either of those instruments.

Sect. 7. The Treasurer shall, from time to time, at the cost of the society, employ a person, personally to deliver to each member in arrears, a statement of the sum he is indebted to the society, together with a copy of the following section ; which person shall be authorised to receive payment of the said arrears.

Sect. 8. Every member who shall continue delinquent in the payment of fines or annual contributions, during the term of one year after being notified thereof from the Treasurer, shall be considered as no longer entitled to the privileges of a member of this society.

CHAPTER XIII.

Of Honorary Members.

The Governor and Chancellor of the State, and the Mayor of the City of New-York, for the time being, shall be, *ex-officio*, honorary members of this society, and shall have all the privileges of ordinary members, except that they shall not vote at elections.

CHAPTER XIV.

Of Licenses for Practice.

Section 1. All persons who are to be licensed for the practice of physie and surgery, shall be recommended by the Comitia Minora at one of the meetings of the society, and shall subject themselves to such ceremonies as the Comitia Minora shall approve and direct.

Sect. 2. Every person admitted to the practice of physie or surgery, or both, by this society, shall sign the following declaration, viz :

I, A. B. do solemnly declare, That I will honestly, virtuously, and chastely, conduct myself in the practice of physie and surgery. with the privilege of exer-

eising which profession I am now to be invested ; and that I will, with fidelity and honour, do every thing in my power for the benefit of the sick committed to my charge.

And this declaration, so signed, shall be preserved among the archives of the society.

Sect 3. Every person admitted to the practice of physic and surgery, by this society, shall receive, on paying his fee, the following diploma, viz :

Omnibus ad quos hæc literæ pervenerint,

SALUTEM :

NOS, Societatis Medicæ Comitatus Novi Eboraci, Præses, Cæterique Socii, hoc scripto testatum volumus, (inserting the name and country of the candidate) Artem medicam et chirurgicam sub viris in medicina peritis, tempore præstituto, studio incubuisse, et in hisce studiis progressus, luculento testimonio, nobis probasse et commendasse ; Quocirca, ex auctoritate nobis commissa, medicinæ et artis chirurgicæ, in hac civitate exercendæ, ei potestatem, eum omnibus privilegiis ad has artes pertinentibus, concedimus.

In quorum testimonium hæc diploma, sigillo nostro munitum, donavimus. Datum (the place, day, and year, to be inserted.)

Sect. 4. If instead of the above, a diploma in the English language should be requested by the person so admitted, it shall be in the following form, viz :

To all to whom these presents shall come, or may in any wise concern :

THE President and Members of the Medical Society of the County of New-York, send greeting :—
Whereas (name and country of the candidate) hath exhibited unto us satisfactory testimony that he hath studied physie and surgery, for the term and in the manner directed by law ; and hath also, upon examination by our Censors, given sufficient proofs of his proficiency in the healing art, and of his moral character ; Wherefore, by virtue of the power vested in us by law, we do grant unto the said (name of the candidate) the privilege of practising physie and surgery in this state, together with all the rights and immunities which usually appertain to physicians and surgeons.

In witness whereof, we have granted this diploma. Sealed with our seal, and testified by our President and Secretary, at (place, day, and year.)

Sect. 5. Every person receiving a diploma of license from this society, shall be notified by the Secretary, that he must deposit a copy of the same with the Clerk of the county in which such person may reside ; and that until

this be done, he is subject to penalty as an illegal practitioner.

Sect. 6. Every person admitted to the practice of physic and surgery by this society. shall be presented with a copy of the Charter and By-Laws.

THE END.

☞ NOTICE TO MEMBERS.



MEMBERS *are desired to refer to Chap. 1, Sect. 1, of the By-Laws, for the times of holding the regular meetings of the society.*

Henry Wm Ducachet U.S.

